

1 RENE L. VALLADARES
Federal Public Defender
2 Nevada State Bar No. 11479
NISHA BROOKS-WHITTINGTON
3 Assistant Federal Public Defender
411 E. Bonneville, Ste. 250
4 Las Vegas, Nevada 89101
(702) 388-6577/Phone
5 (702) 388-6261/Fax
Nisha_Brooks-Whittington@fd.org
6

7 Attorney for Kevin Figgers

8 **UNITED STATES DISTRICT COURT**

9 **DISTRICT OF NEVADA**

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 KEVIN FIGGERS,

14 Defendant.
15

Case No. 2:20-mj-00302-DJA

**STIPULATION TO CONTINUE
PRELIMINARY HEARING**
(First Request)

16 IT IS HEREBY STIPULATED AND AGREED, by and between
17 Nicholas A. Trutanich, United States Attorney, and Melanee Smith, Assistant United
18 States Attorney, counsel for the United States of America, and Rene L. Valladares,
19 Federal Public Defender, and Nisha Brooks-Whittington, Assistant Federal Public
20 Defender, counsel for Kevin Figgers, that the Preliminary Hearing currently scheduled on
21 May 14, 2020 at 4:00 p.m., be vacated and continued to a date and time convenient to the Court,
22 but no earlier than thirty (30) days.

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1 The Stipulation is entered into for the following reasons:

2 1. On March 11, 2020, the World Health Organization officially classified
3 COVID-19 a pandemic.¹ Governor Steve Sisolak declared a State of Emergency in Nevada on
4 March 12, 2020. On March 16, 2020, the CDC recommended that all in-person events
5 consisting of 10 or more people be postponed or cancelled throughout the United States.²
6

7 2. In response to the COVID-19 pandemic, this Court issued a series of Temporary
8 General Orders changing how the Court Operates to do its part to contain the spread of the
9 virus. Amended Temporary General Order 2020-03. In Temporary General Order 2020-03, the
10 Court continued all jury trials until April 10, 2020, pending further order. *Id.* Then, on
11 April 9, 2020, this Court amended Temporary General Order 2020-03 stating that “[t]he Court
12 has determined that jury trials must be further postponed in light of the COVID-19 pandemic,
13 and each presiding judge will address any needed continuance of trial in their individual cases.”
14 Amended Temporary General Order 2020-03.

15 3. As of May 12, 2020, Nevada has confirmed 6,311 COVID-19 cases and 312
16 deaths.³ Also, as of May 12, 2020, the new strain of coronavirus which causes COVID-19, has
17 infected over 4.2 million people, leading to at least 290, 390 deaths worldwide.⁴
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19

20 ¹ *WHO Characterizes COVID-19 as a Pandemic*, World Health Organization (Mar.
21 11, 2020) at <https://www.who.int/dg/speeches/detail/who-director-general-s-opening-remarks-at-the-media-briefing-on-covid-19---11-march-2020>.

22 ² Centers for Disease Control and Prevention: COVID-19
23 <https://www.cdc.gov/coronavirus/2019-ncov/community/large-events/> (last visited Mar. 24,
24 2020).

25 ³ Nevada Health Response, COVID-19 (Coronavirus), <https://nvhealthresponse.nv.gov/>
(last visited May 12, 2020).

26 ⁴ *Coronavirus Resource Center*, John Hopkins University (last visited May 12, 2020),
<https://coronavirus.jhu.edu/map.html>.

1 4. In light of this pandemic, the growing number of infected individuals in the State
2 of Nevada and worldwide, and the CDC's recommendations, counsel request a continuance of
3 the preliminary hearing.

4 5. A continuance is further requested to allow the parties the opportunity to discuss
5 and possibly negotiate this case which may obviate the need for a preliminary hearing.
6 Additionally, defense counsel needs additional time to meet with her client to discuss the case
7 and if necessary, to prepare for the preliminary hearing.

8 6. The defendant is incarcerated and does not object to the continuance.

9 7. The parties agree to the continuance.

10 8. The additional time requested by this stipulation is excludable in computing the
11 time within which the indictment must be filed pursuant to the Speedy Trial Act, Title 18,
12 United States Code, Section 3161(b), considering the factors under Title 18, United States
13 Code, Section 3161(h)(7)(A) and (B)(i) and (iv). The additional time requested by this
14 stipulation also is excludable in computing the 90-day speedy trial clock imposed by the Speedy
15 Trial Act, Title 18, United States Code, Section 3161(c), considering the factors under Title 18,
16 United States Code, Section 3161(h)(7)(A) and (B)(i) and (iv).

17 9. This continuance is not sought for purposes of delay, but to account for the
18 Court's limited resources and the necessary social-distancing in light of the COVID-19 public
19 health emergency.

20 10. Denial of this request could result in a miscarriage of justice, and the ends of
21 justice served by granting this request outweigh the best interest of the public and the defendant
22 in a speedy trial.

1 This is the first stipulation to continue filed herein.

2 DATED this 12th day of May 2020.

3 RENE L. VALLADARES
4 Federal Public Defender

NICHOLAS A. TRUTANICH
United States Attorney

5 */s/ Nisha Brooks-Whittington*
6 By _____

7 NISHA BROOKS-WHITTINGTON
Assistant Federal Public Defender

/s/ Melanee Smith
By _____

MELANEE SMITH
Assistant United States Attorney

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 UNITED STATES OF AMERICA,
4
5 Plaintiff,
6 v.
7 KEVIN FIGGERS,
8 Defendant.

Case No. 2:20-mj-00302-DJA

ORDER

9
10 IT IS ORDERED that the Preliminary hearing currently scheduled for Thursday,
11 May 14, 2020 at 4:00 p.m., be vacated and continued to Friday, June 19, 2020 at the hour
12 of ____ 4:00 p. m.

13 DATED this 12th day of May 2020.

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15 _____
16 UNITED STATES MAGISTRATE JUDGE